Candidate's Guide to Municipal Elections

Produced June 2005
for Special Elections

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Foreword

This guide has been prepared by Service Nova Scotia and Municipal Relations in cooperation with the Union of Nova Scotia Municipalities, with the assistance of the Municipal Elections Officer, to assist those who are contemplating offering for municipal elected office for the first time. It may be helpful for school board candidates, also, including candidates for the *Conseil scolaire acadien provincial* (CSAP). This version has been prepared for the special elections in 2005.

The guide is intended to inform prospective candidates on how to get nominated and with this in mind Part I of the guide deals with the required qualifications, matters that may lead to disqualification, relevant election procedures, and some of the basic duties, obligations, and responsibilities of a municipal councillor or elected school board member.

Presentation of the information in this guide is very general, and prospective candidates should refer directly to the *Municipal Elections Act* or the *Education Act* for specific authority. Copies of these Acts are available electronically on the government website at: www:gov.ns.ca and may be available from the returning officer.

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LAST DAY TO APPLY FOR A RECOUNT •

LAST DAY TO FILE CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM •

Qualifications

AGE AND CITIZENSHIP (S. 17)[1]

To be eligible for election as mayor, councillor, or school board member, you must be a Canadian citizen and at least 18 years old at the time of nomination.

RESIDENCE (S. 17)

In addition, you must have lived for at least six months preceding nomination day in the municipality (or school region) in which you are seeking office.

MUNICIPAL CHARGES AND TAXES (S.17)

To qualify for nomination to council, you must ensure that you have paid in full all municipal charges that are liens and taxes owing by nomination day. This is not a requirement for election to the school board.

PERSONS DISQUALIFIED (Ss. 18,19)

A number of situations or occupations disqualify the following from seeking municipal office:

- Members of Parliament or Senators;
- Members of the Legislative Assembly;
- Municipal employees (unless on an approved leave of absence) or other office holders;
- Councillors in another municipal unit or elected school board members (during a special election);
- Those who within five years prior to nomination day have been convicted of bribery or a corrupt practice contrary to the Act.
- Judges.

CONFLICT OF INTEREST

Municipal and school board officials as public officials are expected to place the public interest before their own private advantage. For municipalities and school boards, rules for determining and declaring a conflict of interest are set out in the *Municipal Conflict of Interest Act*, which came into effect on June 26, 1982.

The *Act* requires any member of council or of a local board who has a financial interest in any matter coming before the council or local board to declare that interest and to withdraw from any discussion of it. If the meeting is closed, the member must leave the room where the meeting is being held. If the meeting is open, the member must withdraw and leave the room or sit in the public gallery. The member is thus disqualified from dealing with the particular matter in which he or she has an interest but not from sitting on council or the local board when other matters are discussed.

In general, any qualified person with a potential conflicting interest is free to seek municipal office. The only requirement is that, once elected, the incumbent must comply with the principle of disclosure and withdrawal whenever his or her financial interest may be affected by an action of the council or local board.

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[1] NOTE: The numbers shown in parenthesis refer to pertinent sections of the *Municipal Elections Act*.

It should be noted that the interest of a member is broadly defined to include the pecuniary interest of relatives, a spouse, and a spouse's relatives. However, several situations that are relatively common and of minor consequence are deemed not to constitute conflict of interest. Please refer to the Act for additional detail.

Nominations

NOMINATION DAY (S.44)

Your nomination paper and any accompanying documentation must be filed with the returning officer between 9:00 a.m. and 5:00 p.m. on nomination day.

If nomination day is not convenient, you may arrange with the returning officer to file your nomination during the five business days preceding nomination day.

ADVERTISEMENT (S.42)

Details regarding the date, time, and place of nomination will be published in your local newspapers by the returning officer.

PROCEDURE (Ss.43-45)

Once you have decided to run for municipal office the first step is to get a blank nomination paper from your returning officer.

Your nomination paper must then be signed by at least five persons whose names are on the list of electors in your polling district. It is advisable to have more nominators than the minimum required in case some of your nominators are not on the list of electors.

Once your nomination paper has been signed by the required number of nominators, you must complete and sign the "oath and consent" portion of your nomination paper. If you are away from the municipality when this is to be done, you may authorize an agent to swear and sign the form. This authorization must be in writing and must be filed with the nomination paper.

PAYMENT OF MUNICIPAL TAXES (S.44)

The next step is to obtain a certificate from the municipal clerk or treasurer stating that all municipal charges that are liens and all taxes owing have been paid. This certificate must be filed with your nomination paper. (This requirement does not apply to school board candidates.)

DEPOSIT (Ss.44,51)

Your nomination paper must also be accompanied by a deposit of $200.00 unless council has a by-law specifying that the deposit be some lesser amount or that no deposit is required.

The full deposit is refundable under specific conditions. If the candidate has, within seven days of the election, filed an affidavit with the clerk indicating that he or she is returning all copies of the voters' list in his or her possession and has removed all election advertising, and the candidate has been elected or received at least half the votes of the successful candidate, the full deposit is refundable. As well, the whole deposit is refundable to acclaimed candidates or if a candidate dies before the election. Candidates polling less than half the votes of the successful candidate may receive half of their deposit back if they remove their advertising material and file the affidavit within seven days of election day.

You should note that the deposit refund is not automatic. You will forfeit this deposit refund if you fail to file the required affidavit within the prescribed time (seven days). It should also be noted that failure to remove election advertising material is an offence.

ACCEPTANCE OF NOMINATION (S.48)

Once you have filed your nomination paper and the returning officer is satisfied that you have complied with the necessary requirements, he or she will sign the "receipt" portion of the nomination paper. The signing of this receipt is evidence that you are officially nominated. Once the receipt is signed, the nomination paper is open for inspection by the public.

CHANGES IN NOMINATION PAPER (S.49)

Before 4:00 p.m., the day after nomination day, you or your official agent may inform the returning officer in writing to change particulars of your name and address on the nomination paper. This does not often happen, but it may be appropriate if, for instance, nominated candidates have similar names.

WITHDRAWAL (S.53)

If you become unable to run as a candidate, you may tender your withdrawal in writing to the returning officer before 4:00 p.m. the day after nomination day, and forfeit your deposit.

DEATH OF CANDIDATE (S.54)

If a candidate dies before nominations close, he or she is deemed not to have been officially nominated.

If a candidate dies after nominations close, the returning officer must "revoke the poll" and fix the date for a new election, which must be on a Saturday between 36 and 45 days after the death of the candidate.

After revoking the poll the returning officer is required to call for nominations again. However, a person nominated prior to the revocation is still considered to be duly nominated and does not have to be nominated again on the new nomination day.

CAMPAIGNING (Ss. 54A, 54B, 54C)

A candidate or candidate's representative may enter an apartment building or multiple residence during reasonable hours to campaign. Obstruction is an offence. A tenant or owner of a condominium unit may display election advertising on their own leased or owned premises, subject to any reasonable conditions relating to size or type of election posters that may be set by the landlord or condominium corporation. A landlord or condominium corporation may prohibit election advertising posters in common areas.

OFFICIAL AGENT (Ss.70,71)

On your nomination paper, you may appoint an official agent who may be described as an "agent at large".

Your official agent is permitted to visit all polling stations within your district on election day, and to represent and assist you in specified areas, such as the appointment of other agents to act as your scrutineers at polling stations. Your official agent also has a role in respect to campaign contributions.

You may act as your own official agent, however you cannot be at the polls in this capacity.

AGENTS (S.71, 72)

Besides the appointment of the official agent, a candidate also can appoint an agent to represent him or her at the polling station. A candidate may not act as his or her own agent at a poll. Some members of the public have expressed concern in the past about seeing a candidate sitting with the poll officials. A candidate's presence in a polling station is sometimes viewed as lending an air of partisanship to the electoral process. Therefore, the legislation no longer permits a candidate to act as an agent at a poll, even if the candidate is also his or her own official agent.

Agents are appointed by Form 15, and they are appointed either by the candidate or his or her official agent. An agent must have an appointment to the particular polling station where he or she is to act.

ACCLAMATION (S.55)

Where only one candidate, or only the number of candidates required to represent a seat, is nominated, the returning officer will advise the municipal clerk who will declare the candidate or candidates elected at the first meeting of the council after the election, or for a special election for one position, at the next council meeting.

GRANT OF POLL (Ss.50,56)

If there are several people competing for the same office, the returning officer will grant a poll and publish the names of candidates, the date and time of the election and of advance polling, and the location of polling stations.

ELECTION ADVERTISING IDENTIFICATION (S.143)

All election advertising printed or published in the newspaper must be identified. Your name and address as well as that of your printer must appear on every flyer, poster, placard, etc. published or distributed on your behalf. If you print or publish the materials yourself, then you must identify yourself as the printer or publisher of the materials.

Failure to comply with this requirement is an offence.

Election Procedures

ADVANCE POLL (S.114)

There are two advance polls. You should check with the municipal returning officer for the dates.

The advance poll is intended for electors who expect to be unable to vote on ordinary polling day to exercise their right to vote.

PROXY VOTING (Ss. 75, 76, 77)

An elector is qualified to vote by proxy if he or she is going to be absent from the municipality on the advance poll days and ordinary polling day or is unable to attend at the polling station because of illness or physical disability (S.76(2)).

If the name of an elector does not appear on the final list of electors, that elector is not eligible to vote by proxy, unless the elector obtained a certificate of eligibility to vote.

If a person wishes to vote by proxy, that person must complete and sign the application form (Form 21). If the elector completing the application form is not sure of his or her number on the list of electors, or his or her polling division number, those spaces can be left blank and can be completed by the returning officer, as long as there is no doubt about which elector has signed the application. For example, students who complete the application form while away from home will not have the list of electors available and therefore will not have that information.

When the application form has been completed, it must be returned to the returning officer at any time between the day that the final list of electors was certified and 5:00 p.m. on Friday, the eighth day before ordinary polling day. It is not proper for the returning officer to issue a proxy paper (Form 22) after 5:00 pm on Friday, the eighth day before ordinary polling day.

The application form must be delivered to the returning officer either by the elector who wishes to appoint another to vote on his or her behalf by proxy, or by the proxy voter who will act for the elector. No other person may bring this application form to the returning officer.

If the proxy voter and elector are unrelated, they must each be on the list of electors for the municipality or have a certificate of eligibility to vote and the proxy voter must not have been appointed as proxy voter for any other unrelated voters. If the proxy voter and elector are related as child, grandchild, brother, sister, parent, grandparent, husband or wife, they must both be on the list of electors for the municipality or have a certificate of eligibility. If the elector is a resident in a home for special care then, if the proxy voter is related, he or she must only be of voting age; there is no requirement for the proxy voter to be on any list. A proxy voter can vote for any number of related persons and one unrelated person.

ELECTION DAY (Ss.10, 57, 87, 105)

Polls are open between 8:00 a.m. and 7:00 p.m. Only election officers conducting the election, candidates, agents of candidates, a peace officer (if appointed), and a voter actually voting are entitled to be present in the polling place at any one time. Everyone in attendance is to maintain the secrecy of the voting.

In the past few elections, voters have complained about candidates standing by the doorways and in the parking lots of polling places to greet the voters. While candidates may be in a polling place to vote, to check with their agents, or to walk through, Section 105 of the *Municipal Elections Act* authorizes the returning officer or deputy returning officer to order from the polling place and the area within 200 feet of the polling place anyone who is loitering or soliciting votes. This includes candidates. The returning officer or deputy returning officer may have arrested any person who disobeys an order.

Please note that candidates can "act as a friend" to assist an elector with voting only if the elector is a relative. A non-candidate can assist one unrelated elector and any number of relatives who need assistance with voting. A DRO can assist any elector.

PUBLICITY AT POLLS (S.155)

The *Municipal Elections Act* prohibits promotional activities within 200 feet of the outside wall of the building that houses the polling place, particularly any display of ribbons, labels, placards, banners,

posters, and so forth.

COUNTING THE VOTES (Ss.106,107, 111, 117)

Immediately after the close of the poll, the deputy returning officer, with the assistance of the poll clerk and in the presence of the candidates and their agents, will open the ballot box. The deputy returning officer will sort and examine the ballot papers and proceed to count the votes. Each candidate or agent present may sit in on the count for one polling station and may, on request, receive a statement of the result of that poll from the deputy returning officer.

OFFICIAL ADDITION OF THE VOTES (S.125)

Official addition of the votes is done by the returning officer on the first Tuesday after the election. This is done by examining written statements of the poll, but no ballots are counted at this point.

Any candidate or his or her agent may attend and, if necessary, the returning officer may summon any person to bring all relevant documents and examine witnesses to help ascertain the result of the poll.

JUDICIAL RECOUNT (Ss.130-138)

Where the official addition of the votes by the returning officer results in a tie, there will automatically be a judicial recount. A judicial recount will also be conducted within seven days after the election if the clerk authorized by council, any candidate, or any elector submits an application to the provincial court or Supreme Court of Nova Scotia accompanied by a deposit of $200.00.

If after the judicial recount there is a tie, the winning candidate is chosen by lot by the clerk. All that is necessary in a choice by lot is for the clerk or a designate to draw a name out of a box.

DECLARATION OF CANDIDATES ELECTED (S.129)

Successful candidates including those candidates who won by acclamation will be declared elected by the clerk at the first meeting of the council after the elections.

CONTROVERTED ELECTION PROCEDURE (S.158)

An elector, a candidate, or a clerk authorized by council who believes that there were irregularities during the election that could have affected the outcome may bring an action in the Supreme Court of Nova Scotia.

The person bringing such an action must deposit $500.00 as security for court costs and any additional costs that may be awarded if the action is unsuccessful.

After hearing the evidence, the judge will determine whether there was an irregularity that could have affected the result. An order will be issued to conduct the election again if the judge finds an irregularity.

Campaign Contributions Disclosure

SECTIONS 49A AND 49B

Sections 49A and 49B of the *Municipal Elections Act* require that all candidates for council and school board disclose contributions to their election campaigns which exceed $50.00.

Disclosure of contributions is done in provincial and federal campaigns in most parts of Canada. Disclosure is seen as an important tool in building public confidence in the election process. Allowing the public to know who contributes to a candidate's campaign means that it is less likely that a candidate will be secretly acting to further the interests of a particular person or group of people.

THE OFFICIAL AGENT

An "official agent" is the person who has the responsibility under the *Municipal Elections Act* to accept and record contributions. All candidates must have an official agent. However, *a candidate can act as his or her own official agent.*

If an association is formed to promote the election of a particular candidate, then it *must* appoint an official agent and it is subject to the disclosure requirements. Bear in mind that under legislation, the "association" is any group of one or more people with the goal of the election of a particular candidate. This group usually takes the form of the "Committee to elect [candidate "X"]."

There are no particular qualifications to be an official agent, but the candidate should select someone responsible, who will be able to keep track of the funds donated and make the necessary reports.

WHEN IS AN OFFICIAL AGENT APPOINTED?

One of the more difficult things to pinpoint is when a person actually becomes a candidate. Section 2(1)(b) of the *Municipal Elections Act* states the following definition:

> "candidate"
>
> (i) before the close of nominations on nomination day means a person who is declared, by himself, or by others with his consent, to be a candidate, and
>
> (ii) after the close of nominations on nomination day means a person who has been nominated as a candidate".

Since nomination cannot actually occur until about 4-5 weeks before election day, many candidates will be actively campaigning before that time. They may be putting up signs, canvassing neighbours, or taking out advertisements. The simple rule of thumb, then, is that a candidate must be aware that **as soon as he or she begins to take donations or spend money on the campaign, an official agent must be in place.**

The appointment of an official agent would take place no later than the close of nominations on nomination day.

HOW IS AN OFFICIAL AGENT APPOINTED?

Form 17 from the *Municipal Elections Act* (appended to this guide or available from the returning officer) is used to make the appointment.

A candidate who has chosen to act as his or her own official agent should file a written declaration indicating that he or she is acting as official agent. Even if this decision is made initially, the candidate can name another to act as his or her own official agent before the close of nominations

on nomination day. If no declaration is filed, then the candidate is deemed to be acting as his or her own official agent.

An individual acting on behalf of an association would file a letter naming the official agent, or the official agent could file the document indicating that he or she is acting as official agent of the association. The agent's name and address must be included. The association should also include its name and an address where communications can be directed.

All declarations are filed with the clerk of the municipality or the secretary of the school board, depending on the office being sought.

CONTRIBUTIONS

Section 49A(1)(c) defines "contributions" as

> "services, money, or other property donated to an association or a person to support the political purposes of an association or candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer".

Contributions can therefore be of three types:

- **"Services"** donated to a campaign are valued at the normal charge that they would attract in the marketplace. **Note that there are two exceptions: *a person can donate his or her personal services or the use of a personal vehicle, as long as the donation is not given as part of the person's employment.***

  Some examples might be useful. A "service" that might be donated during an election campaign is the design of a brochure by a graphic designer. The designer might be donating his services as part of his work in the service of an employer, such as a printer, in which case the service is a contribution, and the normal cost of the service would show as the amount of the contribution. If, on the other hand, the designer did the brochure on his own, without regard to his employment, then the contribution would be a "personal service", and not have to be disclosed.

  Another type of service typically used is that of campaign workers. Individuals may answer the telephone in a headquarters, for example. This type of work is also "personal service", and does not need to be disclosed.

  The exception for the donation of the use of a personal vehicle as a contribution means that the official agent does not have to disclose the contribution of individuals who undertake to drive persons to the polls on election day.

- **"Money"** donated to a candidate clearly has to be disclosed, if the cumulative amount of the donation exceeds $50.00.

- **"Other property"** donated to a candidate would have to be valued at its current market value. An example might be the use of a photocopier, or the donation of space for a campaign headquarters. If there was a social event to meet the candidate, and if volunteers

made sandwiches for it, then the cost of the food would show as a donation, but not the time spent by the volunteers in preparing the sandwiches.

There is a special rule for the valuing of goods and services donated for sale or auction. Section 49A(10) of the *Municipal Elections Act* states that the value to be recorded is the dollar value that was actually paid at the sale or auction, regardless of what the commercial value might be. For example, a local artisan might donate a piece of artwork which would normally sell at retail for $100. If the candidate held a fund-raising auction, and someone paid $200 for it, then the contribution would be recorded as $200, and the artisan would be recorded as the donor.

Only the official agent can accept contributions! (Section 49A(3) of the *Municipal Elections Act).*

RESTRICTIONS ON CONTRIBUTIONS

There are two legislated restrictions on contributions: Section 49A(7) of the *Municipal Elections Act* states that

> "No person shall contribute to any association or candidate funds not beneficially belonging to the person or funds that have been given or furnished to that person by another person for the purpose of contributing those funds unless the person to whom the funds beneficially belong is identified as the contributor or unless the person contributing the funds is the spouse of the person to whom the funds beneficially belong."

Section 49A(9) states that

> "Where a trust or fund is established to further the goals of a candidate or association and the trust or fund is not controlled by an association or candidate, the names of the contributors to the trust or fund shall be disclosed when a transfer is made from the trust or fund to either an association or candidate."

RECORD-KEEPING BY THE OFFICIAL AGENT

Because of the necessity for disclosure, all contributions for a candidate must be made to the official agent of the candidate. Remember however, that a candidate can act as his or her own official agent.

The following are the requirements for accepting and recording contributions:

1. **Contributions are made to the official agent only.**

2. **All contributions to a candidate shall be deposited in a separate account and dealt with separately from a candidate's personal funds. This is especially important to remember if a candidate is acting as his or her own agent.**

3. **The official agent must record the full name and full residential or business address of the contributor, other than a post-office box, unless that is the only address available, of each contributor, together with the amount of the contribution.** Even though only contributions in excess of $50.00 need to be

disclosed, remember that the contributions can be cumulative. For example, a contributor might give $25.00 at one time, and then another amount later on. If the contributor gives a second amount which exceeds $25.00, then the contributions become reportable, even if the individual contributions do not exceed $50.00.

Remember, although every contribution should be recorded, it is not likely that they are all going to have to be disclosed.

4. **No anonymous contributions can be accepted.** If the anonymous contribution cannot be returned to the contributor, then the official agent must remit it to the treasurer of the municipality or school board.

5. **A trust fund can be established to further the goals of a candidate or association, but if any funds are transferred to the candidate or association, then the names of all the donors to the fund must be disclosed.**

FILING OF THE DISCLOSURE STATEMENT

Within 60 days after regular polling day (in either a general election or a special election) the official agent must file a Disclosure Statement with the clerk of the municipality or the secretary of the school board. The Disclosure Statement is Form 40 for candidates and Form 41 for associations and contains the details of the contributions. It must contain the full name and full residential or business address of each contributor whose contributions exceed $50.00 since the last election and the total contributions by each named contributor. Failure to file the Statement within 60 days is an offence.

There may be situations where candidates "test the waters" for a try at a council or school board seat, and then ultimately decide not to file papers. In that case, it is not required that they file a disclosure statement.

The Disclosure Statement can be examined at the offices of the municipality or school board, and copies are available for the cost of copying.

Basic Duties and Responsibilities

OATH OF OFFICE (S.147)

... I will truly, faithfully and impartially execute the duties of the office to which I have been elected to the best of my knowledge and ability.

... I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or other undue execution of the duties of my office...

The above words are from the "Oath or Affirmation of Allegiance and of Office" taken by each councillor at the first meeting of the council after the election. The words place a heavy burden on the elected official to accept and discharge, in a conscientious and forthright manner, the duties, obligations, and responsibilities of office.

PERSONAL RESPONSIBILITIES

Once elected, it is important to remember that you have requested and received the trust of the electorate to be their representative. It will be your duty to keep the electors informed as to how you are discharging the trust and confidence they placed in you.

It will also be your duty as an elected official to act for the whole municipality, not just the polling district from which you were elected. You will have a duty to strive to improve the finances, health, security, and quality of life in your municipality as a whole.

You will have a personal responsibility to fulfil the obligations of the office with impartiality and integrity to the best of your ability. To do this:

- Become informed about the problems that face your municipality today;
- Become informed about your council's legal powers and limitations to solve these problems;
- Make decisions without fear, favour, or evasion - and always in the best interest of the whole municipality;
- Resist the pressures of groups of your electors organized for selfish purposes;
- Be prepared to serve on committees of council and accept other duties as assigned by council;
- Share information that you may receive from outside agencies, at conferences, training sessions, or meetings with other members of council;
- Be prepared to accept responsibility for majority decisions of council - even though it may mean supporting a decision that you did not vote for;
- Try to create an intelligent interest in community and public affairs within your municipality.

COUNCIL COMPOSITION

The council is composed of elected officials - both the mayor or warden and the councillors. The mayor is elected at large in towns, regional municipalities and some county or district municipalities. In the case of county or district municipalities that have not adopted the mayoralty system, the warden is chosen by and from among council members after the election.

In either case, the mayor or the warden is the head of council and chief officer of the municipality. He or she presides at all council meetings and maintains order, proper conduct, and decorum at these meetings. He or she will usually act as spokesperson for the municipality at special municipal or community functions and with the media.

It is interesting to note that in the decision-making process all councillors including the mayor or warden are equal - they each have one vote. By virtue of his or her position, the mayor or warden may be able to persuade other councillors to follow his or her lead but in the final result neither the mayor nor the warden has any more power in council than any other member.

COUNCIL MEETINGS

It is the duty, obligation, and responsibility of every councillor to attend all meetings of council and take part in debates, discussions, and decisions on municipal business. In these meetings it is important to listen to other members of council, and to collectively reach decisions that are in the best interest of the whole municipality.

If you have a personal monetary interest in a matter under consideration by council, then you must not take part in the discussion or vote on such a matter. Under the terms of the *Municipal Conflict*

of Interest Act for a closed meeting, you must leave the room until the question has been dealt with. If the meeting is open, you may simply leave the table and sit in the public gallery.

BY-LAWS, POLICIES AND RESOLUTIONS

Council decisions are expressed in the form of either a by-law, policy or resolution. By-laws are the formal enactment, under the seal of the municipality, of rules and regulations adopted by council to regulate conduct in the municipality. By-laws may be viewed as the municipal equivalent of provincial or federal legislation. Policies are resolutions that are recorded in the by-law book of the municipality; generally they concern the administrative affairs of the municipality. Policies often concern fees or other matters to which the public may want to have regular access.

Resolutions are less formal. A resolution expresses the decision of council on a particular matter submitted to it in the form of a motion, as moved and seconded, and adopted by a majority vote. Although not as formal as a by-law, a resolution, once adopted by council, will normally be as binding as a by-law until it is reversed or amended.

RULES OF PROCEDURE

The procedure, agenda, and general rules governing the council and its meetings may be laid down in a municipal procedure policy or by-law. Rules are designed to assist council in conducting its business in an efficient and orderly manner. You may contact your municipal office to inquire about a copy of the procedure policy or by-law.

COUNCIL COMMITTEES

If elected, you may be asked to serve on a number of the various standing and special committees of council. It is at the committee level that many matters are given detailed scrutiny before formal consideration is given by council.

Standing committees of a municipal council generally relate to such matters as fire protection, public health, streets, social services, public works, finance, by-law amendments and planning. Special committees are also appointed in relation to special tasks or projects.

COUNCIL AND ADMINISTRATION

Ideally, council formulates policy and makes decisions, while staff implements these policies and decisions.

You should avoid the temptation to become a quasi-administrator. You should leave day-to-day administrative matters to the staff and concentrate on your role in providing them with clear and concise policy direction. Council-administration relations should be based on respect and mutual trust.

You will find it helpful to familiarize yourself with the various services provided by your municipality. This can be done easily by consulting the municipal administrator or the appropriate department head. In addition, you should familiarize yourself with the organizational chart of the municipal unit so that you have a clear picture of the personnel responsible for specific services and any staffing requirements.

Help for Newly Elected Councillors

Help is available from many sources. Council members who have had previous experience can put you on the right track.

Your chief administrative officer or municipal or town clerk is experienced with the inner workings of your municipality and will be able to answer many of your questions.

Outside of your municipality, you may want to contact the Union of Nova Scotia Municipalities (please see address below), the Association of Municipal Administrators, Dalhousie University's Henson College, the Maritime Municipal Training and Development Board, Service Nova Scotia and Municipal Relations, and other departments of government. These organizations and agencies have a wealth of information and, in many cases, professional expertise in numerous areas of municipal involvement.

For additional reading material, an easy reference book is the 3rd edition of A Guide to Local Government in Nova Scotia, published by Henson College at Dalhousie University. Please see address below.

Henson College
Dalhousie University
6100 University Avenue
Halifax, Nova Scotia
B3H 3J5
Attention: Jack Novack
Phone: (902) 494-8885
Fax: (902) 494-2598
E-Mail: JACK.NOVACK@DAL.CA

Union of Nova Scotia Municipalities
Suite 1106
1809 Barrington Street
Halifax, Nova Scotia
B3J 3K8
Phone: (902) 423-8331
Fax: (902) 425-5592

The School Board

LEGISLATION

School board elections, including the election of members to the *Conseil scolaire acadien provincial* (CSAP), are held at the same time as municipal elections. CSAP has the mandate to provide French-first-language instruction to children of "entitled parents" in the province. Only "entitled persons" may vote for or be a candidate for the election of members of CSAP. These terms "entitled parent" and "entitled person" are defined in the *Education Act*. Much of the information in the preceding pages relating to council elections applies to school board elections as well. However, there are special provisions respecting school board elections and the CSAP election that are not noted in this guide. Please refer to the *Education Act* for details respecting the regional school board and CSAP elections.

In addition to the *Municipal Elections Act* and the *Municipal Conflict of Interest Act*, the legislation governing school boards is the *Education Act*. Please check with the Returning Officer about copies of these Acts.

DEPOSIT

Nomination papers for school board candidates must be accompanied by a deposit, if required. (For details, see the section entitled "Nominations" earlier in this guide.)

If your board represents one municipal unit, your deposit is the deposit required by that municipal unit.

If your board is a district school board representing two or more municipal units, your deposit is the largest of the deposits required by any of the participating units, where deposits differ from unit to unit.

RETURNING OFFICER

If your board represents one municipal unit, your returning officer is the returning officer for that municipal unit.

If your board represents two or more municipal units, the returning officer for one of the participating municipal units is designated as the school board's returning officer; and so the returning officer may be someone other than the returning officer for your municipal unit.

For special elections there may be another returning officer. Check with the school board for this information.

BASIC DUTIES AND RESPONSIBILITIES

In addition to factual information such as the dates of nomination day and election day, the preceding pages contain comments and suggestions that should be of assistance. Read carefully the section entitled "Basic Duties and Responsibilities" earlier in this guide. Change the word "council" to "school board" and then apply the suggestions to your proposed work on the school board.

HELP FOR SCHOOL BOARD MEMBERS

Prior to submitting your name for election, you should speak with the board secretary of your school board and present board members to gain an understanding of the role and responsibilities of school board members, and of the time commitment that is involved. The superintendent of schools and senior staff will also be able to provide a wealth of information on a variety of education issues. Some boards hold information sessions for prospective candidates which can be most helpful. In addition, if you have not already done so, you would be wise to attend meetings of your board before elections to monitor the board's concerns and procedures.

The Nova Scotia School Boards Association (NSSBA), founded in 1954, serves school boards throughout the province. NSSBA acts as a voice for public education, representing the views and concerns of its member boards at the provincial level. In addition, the association coordinates a number of shared services, including insurance, employee benefits, pension and bulk-purchasing. NSSBA also acts as a clearinghouse of information and hosts a number of professional development activities throughout the year.

For further information please contact:

The Communications Officer
The Nova Scotia School Boards Association
95 Victoria Rd.
Darmouth, N.S.
B3A 1V2
Phone: (902) 429-2888
Fax: (902) 429-7405
E-Mail: SFMACPHEE@NSSBA.EDNET.NS.CA

Pour obtenir des renseignements supplémentaires (CSAP):

Coordonnatrice des élections scolaires par intérim
Conseil scolaire acadien provincial
73, rue Tacoma, bureau 800
Dartmouth, N.-É. B2W 3Y6
(902) 433-7048

SCHEDULE A

FORM 40

SECTIONS 49A and 49B

CANDIDATE'S CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Name of Candidate:

Name of Agent:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor Address Contributions

_____

_____

_____

_____

_____

_____

Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than $50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.

I, , a candidate in the municipal/school board/CSAP election on (date), certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me and to my official agent as required by Sections 49A and 49B of the *Municipal Elections Act*.

_____

Candidate

(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)

FORM 41

SECTIONS 49A and 49B

ASSOCIATION'S CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Name of Association:

Name of Agent:

Name of Candidate Supported:

Municipality/School Region:

Date of Election:

List of Contributors (see note below):

Contributor Address Contributions

_____

_____

_____

_____

_____

Note: Insert full name of contributor and residential or business address. Use street address, not postal address. Contributions must be shown for every contributor whose contributions totalled more than $50.00 since April 1, 1999 or since the most recent election, whichever is the shorter period.

I, , the appointed agent of (name of association) in the municipal/school board/CSAP election on (date) certify that the foregoing statement of disclosure is a true and complete disclosure of all contributions made to me as agent of the said association as required by Sections 49A and 49B of the *Municipal Elections Act.*

_____

Agent of Association

(to be filed within 60 days after regular polling day with the clerk of the municipality/secretary of school board)

FORM 17

SECTION 70

APPOINTMENT OF OFFICIAL AGENT

I, the undersigned, a candidate for the office of_____. **(place a check mark next to the applicable statement)**

_____ appoint _____(*name*) of _____(*address*) as my official agent with authority to represent me in the manner provided by the *Municipal Elections Act* at the election being held on_____, _____.

OR

_____ declare that I will act personally as official agent in the manner provided by the *Municipal Elections Act* at the election being held on_____, _____.

OATH OR AFFIRMATION OF OFFICIAL AGENT

I, the undersigned, appointed by the foregoing candidate to be his/ her official agent at the election to be held in the Town/Municipality/Regional Municipality of _____on the_____ day of_____, _____, swear (or solemnly affirm) that I will not attempt in any way unlawfully to ascertain the candidate or candidates for whom a voter has voted and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the candidates for whom any voter has voted.

Sworn (or affirmed) at_____

in the County of_____

this_____day of_____,

_____, before me

_____
See Section 146

_____
Official Agent

_____
Signature of Candidate

SCHEDULE B

FORMULAIRE N° 40

SECTIONS 49A ET 49B

DÉCLARATION DES CONTRIBUTIONS À LA CAMPAGNE ÉLECTORALE DU(DE LA) CANDIDAT(E)

Nom du(de la) candidat(e) :
Nom de l'agent(e) :
Municipalité/Région scolaire :
Date des élections :
Liste des donnateurs (voir note ci-dessous) :

Donnateur	Adresse	Contributions
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Note : Veuillez indiquer le nom complet du donnateur, ainsi que l'adresse de son domicile ou de son bureau. Utilisez l'adresse civique et non l'adresse postale. Il est obligatoire de mentionner tous les donnateurs dont les contributions représentent plus de 50,^{00} $ au total, soit depuis le 1er avril 1999 soit depuis les élections les plus récentes, selon celle de ces deux périodes qui est la plus brève.

Je, soussigné(e) _____, candidat(e) aux élections municipales/scolaires/du CSAP du _____ (date), certifie que la déclaration ci-dessus représente toutes les contributions qui m'ont été versées, à moi et à mon agent(e) officielle, selon les exigences des sections 49A et 49B de la loi sur les élections municipales.

_____

Signature du(de la) candidat(e)

(À remplir dans les 60 jours suivant le jour des élections auprès du(de la) secrétaire municipal(e) de la municipalité ou du(de la) secrétaire du conseil scolaire.)

FORMULAIRE N° 41

SECTIONS 49A ET 49B

DÉCLARATION DES CONTRIBUTIONS À LA CAMPAGNE ÉLECTORALE D'UNE ASSOCIATION

Nom de l'association :
Nom de l'agent(e) :
Nom du(de la) candidat(e) soutenu(e) :
Municipalité/Région scolaire :
Date des élections :
Liste des donnateurs (voir note ci-dessous) :

Donnateurs	Adresse	Contributions
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Note : Veuillez indiquer le nom complet du donnateur, ainsi que l'adresse de son domicile ou de son bureau. Utilisez l'adresse civique et non l'adresse postale. Il est obligatoire de mentionner tous le donnateurs dont les contributions représentent plus de 50,^{00} $ au total, soit depuis le 1er avril 1999 soit depuis les élections les plus récentes, selon celle de ces deux périodes qui est la plus brève.

Je, soussigné(e) _____, agent(e) officiel(le) de _____ (nom de l'association) aux élections municipales/scolaires/du CSAP du _____ (date), certifie que la déclaration ci-dessus représente toutes les contributions qui m'ont été versées en tant qu'agent(e) officielle de ladite association, selon les exigences des sections 49A et 49B de la loi sur les élections municipales.

_____

Signature de l'agent(e) de l'assocation

(À remplir dans les 60 jours suivant le jour des élections auprès du(de la) secrétaire municipal(e) de la municipalité ou du(de la) secrétaire du conseil scolaire.)

FORMULAIRE N° 17

ARTICLE N° 70

NOMINATION DE L'AGENT(E) OFFICIEL(LE)

Je, soussigné(e), candidat(e) au poste de _____ (veuillez cocher ci-dessous la case correspodant à l'énoncé qui s'applique)

❑ nomme _____ de _____

(nom) *(adresse)*

au poste d'agent(e) officiel(le) de ma campagne et lui accorde l'autorité de me représenter selon les dispositions de la loi sur les élections municipales pour les élections qui auront lieu le _____ 2000.

OU BIEN

❑ déclare que je remplirai moi-même les fonctions d'agent(e) officiel(le) de ma campagne selon les dispositions de la loi sur les élections municipales pour les élections qui auront lieu le _____ 2000.

SERMENT OU AFFIRMATION SOLENNELLE DE L'AGENT(E)

Je, soussigné(e), nommé(e) par le(la) candidat(e) ci-dessus au post d'agent(e) officiel(le) de sa campagne pour les élections prévues dans la ville/municipalité/municipalité régionale de _____ le _____ 2000, jure (ou affirme solennellement) que je ne chercherai pas à déterminer, de façon illégale, pour quel(le)(s) candidat(e)(s) les électeurs ont voté, que je ne participerai en aucune façon à des efforts faits pour déterminer de façon illégale ces informations et que je ne révélerai à personne les informations qui pourraient m'être parvenues concernant l'identité des candidat(e)s pour lesquels les électeurs ont voté.

Juré (ou affirmé solennellement) à _____

dans le comté de _____

le _____ 2000

devant moi

_____

_____

Voir article 146 L'agent(e) officiel(le)

_____

Signature du(de la) candidat(e)

SCHEDULE C

Candidate's Check List

1. Decide which office (mayor, councillor, school board member) you wish to be nominated for.

2. Check to establish that you hold the statutory qualifications for such office (age, citizenship, etc.)

3. Ensure that you are not disqualified from holding such an office (occupation, residency, etc.). The onus is on the person nominated for election to an office to file a *bona fide* nomination paper.

4. Appoint an official agent or file a declaration that you will be acting as your own official agent. The official agent must keep track of any campaign contributions and open a bank account for this purpose.

5. Note the Key Dates provided for quick reference at the beginning of this guide.

6. Note the name and office location of the returning officer for the election. (Very often the municipal clerk is appointed returning officer.)

7. Obtain a nomination paper.

8. Complete the nomination section of the nomination paper and determine the qualifications required for the electors who are eligible to nominate you for election to council or school board.

9. Obtain the required number of signatures of qualified electors as nominators on your nomination paper. (A nomination paper must be signed by at least five qualified electors whose names appear on the list of electors.)

10. Complete and sign the "Oath and Consent" portion of the nomination paper. If you are away from the municipality you may in writing authorize your agent to do so.

11. Obtain a certificate that your charges that are liens and your taxes are paid (if running for council, not school board). File your nomination paper with the returning officer between 9:00 a.m. and 5:00 p.m. on nomination day, or by appointment during the five business days preceding nomination day. Once your nomination paper has been accepted by the returning officer, who accepts the nomination by signing the receipt, it is open for inspection by the public. Once accepted, the returning officer will provide you or your official agent with a copy of the final list of electors entitled to vote for the office for which you are a candidate. Note that the list of electors is to be used for election purposes only and all of your copies must be returned after the election. The *Municipal Elections Act* does not allow the list to be open for inspection, disposed of or sold for other purposes.

12. After you are nominated, or on your nomination paper, you may appoint in writing a person to act as your official agent or agent at large.

13. You or your official agent may also appoint other agents or scrutineers to represent you at the polls on election day. Only one agent may represent you at a polling station at any one time. You may not act as this agent.

14. Election day ... **DON'T FORGET TO VOTE!**

15. Remove signs, posters, and other election advertising within seven days of the election and return your copies of the voters list. Failure to do so is an offence.

16. Campaign contribution disclosure forms must be filed within 60 days of the election. Failure to file or filing late is an offence.